IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.44344-M of 2006

DATE OF DECISION:07.12.2006

R.Kashyap & Anr. .....Petitioners

Versus

State of Haryana & Anr. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Harsh Aggarwal, Advocate
for the petitioners.

Shri Partap Singh, Sr. DAG, Haryana.

Shri S.K. Sharma, Advocate
for respondent No.2.

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The petitioners have filed this petition under Section 482 Cr.P.C. for issuing directions to the learned trial Court to accept the bail bonds of the petitioners on their appearance.

Counsel for the petitioners contends that respondent No.2 filed a criminal complaint against the petitioners under Section 138 of the Negotiable Instruments Act by concealing the material facts. It is the case of the petitioners that the amount of impugned cheque was already paid by them. Counsel further contends that in the said case, petitioners were summoned for 7.2.2002, but service was not effected upon them. Subsequently, bailable warrants were issued. The service of warrants was also not effected on the petitioners. Counsel further contends that in the same court, the petitioners were appearing in another complaint filed by third party and there was no reasons for them not to appear in this case, if they would have been served.

Counsel for the petitioners further contends that in terms of

order dated 31.7.2006, the petitioners have appeared before the trial Court and furnished their regular bail bonds, which have been accepted and attested and since then they are regularly appearing before the trial Court.

These facts have not been disputed by the counsel for the respondent-State as well as by counsel for respondent No.2.

In view of the above, interim order dated 31.7.2006 is made absolute.

Disposed of accordingly.

December 07, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**